Supreme Court, U.S.
FILED
04-492 JUN 15 2004
OFFICE OF THE CLERK

No. _____

In the

SUPREME COURT OF THE UNITED STATES

John L. Corrigan,

Petitioner

v.

State of Washington,

Respondents,

On Petition For a Writ of Certiorari to the Supreme Court of The State of Washington

---

PETITION FOR A WRIT OF CERTIORARI

John L. Corrigan
31912 – 53rd Place South
Auburn, WA 98001
253.735.5025

QUESTIONS PRESENTED

Whether the state in "decriminalizing" certain traffic violations, violates due process protections in both the state and the federal constitutions (Fourteenth Amendment to the U S Constitution) when:

- **The prosecutor need not be present – thereby requiring the judge to act as both prosecutor and judge during the infraction hearing;**

- **The police officers are not required to be present at the infraction hearing – thereby making it impossible to present a contested hearing;**

- **Discovery is severely limited**

Whether the state violates due process protections in both the state and the federal constitutions (Fourteenth Amendment to the U S Constitution) when:

a violator requesting a "contested" hearing is confronted by a judge and the notice of infraction, and, due to the inability to cross-exam the notice of infraction, the violator will be found guilty 100% of the time.

Whether the state violates due process protections in both the state and the federal constitutions (Fourteenth Amendment to the U S Constitution) when:

the state claims the infraction is a civil process when in actual fact, the process as applied, is a "criminal" process – which has more stringent due process protections which the state does not apply.

LIST OF PARTIES

For the Petitioner:

John L. Corrigan
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Auburn, WA 98001-3877
253.735.5025

For the Respondent:

Barrett Jonas Scudder
Adams County Prosecutors Office
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OTHER AUTHORITIES

5th Amendment to the U.S. Constitution	***passim***
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OPINIONS BELOW

The opinions of the Supreme Court of Washington, and the Adams County Superior Court are unreported.

JURISDICTION

The judgment of the Superior Court of Washington for Adams County was entered on November 7, 2003. (Appendix 1). On direct review to the Supreme Court of Washington, the Supreme Court of Washington denied review on February 26, 2004. (See appendix - I)

The jurisdiction of this Court is invoked under 28 U.S.C. §1257(a). (See appendix – VIII)

CONSTITUTIONAL PROVISIONS

The "due process clause" of the 5th and 14th Amendment to the U.S. Constitution.

STATEMENT OF THE CASE

Corrigan was stopped for speeding (7 miles over the speed limit) and refused to sign the traffic citation. He was given a misdemeanor citation which he also refused to sign. He was then arrested, placed into handcuffs, searched, and transported in a police car the 5-10 miles to Ritzville, Washington. His car was searched and impounded. He was turned over to the jailer at the Adams County Jail. He was booked, fingerprinted, photographed, stripped of his clothes, and given an orange prison outfit to wear. Approximately 4 hours later, he was taken in chain type handcuffs before Judge Hille. He was charged with "failure to sign a traffic infraction" and released on his Own Recognizance (OR) with miscellaneous conditions placed on his OR release.

Corrigan contested both the infraction and the misdemeanor refusal to sign. He requested to consolidate the two charges which was granted by the court. The court subsequently reversed its decision. The charge of speeding was defended in a civil proceeding under civil rules, and the charge of failing to sign the infraction in a criminal proceeding under criminal rules. Corrigan was convicted of both charges. He was fined for the civil infraction. For the criminal charge, he was fined $1,000 with $575 suspended and sentenced to 90 days in jail with 85 days suspended. He appealed both charges – individually – to the Superior Court. The charge of speeding is before you now. The charge of failing to sign the infraction was affirmed by the Washington Appellate Court.

Corrigan complained that the State of Washington violated the 5th, 6th, and 14th Amendments to the U.S. Constitution. (See *Washington State Denies Litigants Due Process* below) The memorandum decision of the Superior Court also reflects the issues addressed here.

> Corrigan was charged with the traffic infraction of speeding. Traffic infractions are civil and not criminal proceedings. ***The record does not***

> ***reflect any showing of a denial of due process; failure to receive a fair trial or self incrimination.*** [Emphasis added][Citation omitted]

Memorandum Decision, p. 5.

Corrigan's Motion For Discretionary Review to the Washington State Supreme Court included two assignments of error for the violation of the 5th and 14th Amendments of the U.S. Constitution:

> #1 relating to both a criminal and a civil trial for the same act; and
>
> #2 relating to judge acting as both judge and prosecutor; not being confronted by witnesses against him; and limiting legitimate discovery.

Question # 1: Whether the state in "decriminalizing" certain traffic violations, violates due process protections in both the state and the federal constitutions (Fourteenth Amendment to the U S Constitution) when:

- **The prosecutor need not be present – thereby requiring the judge to act as both prosecutor and judge during the infraction hearing;**
- **The police officers are not required to be present at the infraction hearing – thereby making it impossible to present a contested hearing;**
- **Discovery is severely limited**

ARGUMENT

The state has decriminalized certain traffic infractions. However, in doing so the state has denied due process when violators challenge the infractions because of the way the state prosecutes offenders. The state has promulgated rules which deny process due in a civil matter. For example:

- one rule says that the prosecutor need not be present;
- another that the arresting officer need not be present;
- and a third that severely limits discovery that can be obtained relating to a civil traffic infraction.

These rules, taken individually and/or collectively, deny due process when challenging a traffic infraction.

WASHINGTON STATE DENIES LITIGANTS DUE PROCESS

> The Due Process Clause entitles a person to an impartial and disinterested tribunal in both civil and criminal cases. This requirement of neutrality in adjudicative proceedings safeguards the two central concerns of procedural due process, the prevention of unjustified or mistaken deprivations and the promotion of participation and dialogue by affected individuals in the decisionmaking process. . . . by ensuring that no person will be deprived of his interests in the absence of a proceeding in which he may present his case with assurance that the arbiter is not predisposed to find against him.
>
> . . . Indeed, "justice must satisfy the appearance of justice," . . . [Citations omitted] [Emphasis added]

Marshall v. Jerrico, Inc., 100 S.Ct. 1610, 1613, (1980)

> The Sixth Amendment includes a compact statement of the rights necessary to a full defense:
>
> "In all criminal prosecutions, the accused shall enjoy the right . . . to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the Assistance of Counsel for his defense."

Faretta v. California, 95 S.Ct. 2525, 2532 (1975)

> In its Fourteenth Amendment, our Constitution imposes on the States the standards necessary to ensure that judicial proceedings are fundamentally fair.

Lassiter v. Department of Soc. Serv. Of Durham Cty., 101 S.Ct. 2153, 2163 (1981)

The State of Washington (WA) violates the Fifth, Sixth and Fourteenth Amendments to the U.S. Constitution.

Prosecutor Need Not Be Present

It has been argued that because the prosecutor need not be present at a contested traffic hearing, the judge is acting both as the judge and prosecutor in violation of the fair trial standards. In two Washington State Supreme Court decisions, the state denies this allegation. However, there is a strong dissent claiming that, yes, this is a violation of the fair trial standards. Four dissenting justices (two the same in both cases – Johnson, J. providing the dissent in both cases), claim that having the judge act in both capacities is not due process. *See dissenting decisions in City of Bellevue v. Hellenthal, 144 Wn.2d 425, 28 P.3d 744* and *State v. Moreno, 147 Wn.2d 500.*

Arresting Officer Need Not Be Present

Without the presence of the arresting officer, there is no chance of overcoming the presumption of guilt. At the trial, the judge, the ticket and you are there. However, your testimony cannot overcome the presumption of guilt presented by the state – the written traffic infraction. As the violator cannot cross-examine a piece of paper, the violator

will be found guilty 100% of the time. NOTE: The rules allow for the violator to subpoena witnesses – including police officers – the only possibility of overcoming you presumption of guilt. However, what kind of "fair trial" can be given to a violator that is compelled to subpoena witnesses who will provide testimony against him in the court of law?

> Finally, IRLJ 3.3 (c) provides that "[t]he court may consider the notice of infraction and any other written report made under oath submitted by the officer who issued the notice or whose written statement was the basis for issuance of the notice in lieu of the officer's personal appearance" unless the defendant secures the officer's presence in accord with the rule's procedures *See also* RCW 46.63.090.

Hellenthal, p. 435.

Discovery Is Extremely Limited

The court has severely limited discovery in the civil rules for infractions. They only allow very limited information. However,

> The discovery rules are intended to "'make a trial less a game of blindman's bluff and more a fair contest with the basic issues and facts disclosed to the fullest practicable extent.'" [Citations omitted]

Taylor v. Cessna Aircraft Co., Inc., 696 P.2d 28, 32 (Wash.App. 1985). This is not true for traffic infractions.

ARGUMENT CONCLUSION

The state did not approach the decriminalization of certain traffic infractions in a fair and impartial manner. With blinders on, the state went about severely diminishing the

process that is due as a means of more easily prosecuting violator's of traffic infractions.

Question #2: Whether the state violates due process protections in both the state and the federal constitutions (Fourteenth Amendment to the U S Constitution) when:

> **a violator requesting a "contested" hearing is confronted by a judge and the notice of infraction, and, due to the inability to cross-exam the notice of infraction, the violator will be found guilty 100% of the time.**

ARGUMENT

On the back of a traffic infraction form it allows the violator to check the box and request a "contested hearing."

Contested Hearing. I want to contest . . . The state must prove by a preponderance of the evidence that I committed the infraction. . . .

Back of the Notice of Infraction. The state's definition of a "preponderance of the evidence" is the physical traffic infraction piece of paper. A violator goes to the hearing and is confronted by the judge and the traffic infraction because the prosecutor and the arresting officer do not have to be present. Whatever testimony the violator provides, that testimony cannot overcome the physical infraction. The violator is guilty before he/she even enters the hearing. Every violator who requests a contested hearing and does not subpoena witnesses will be found to be guilty in 100% of the cases. This is not a contested hearing. This is not due process. The state must provide the arresting officer to comply with due process. It is not due process to have to subpoena police officers, nor is it due process to subpoena witnesses to be used against him/her.

Question #3: Whether the state violates due process protections in both the state and the federal constitutions (Fourteenth Amendment to the U S Constitution) when:

> **the state claims the infraction is a civil process when in actual fact, the process as applied, is a "criminal" process – which has more stringent due process protections which the state does not apply.**

ARGUMENT

Oregon State decriminalized most of its traffic infractions in 1975. However, their approach was all encompassing. *See State v. Tyler, 7 P.3d 624 (Or.App 2000).* Washington State, on the other hand, decriminalized certain traffic laws in order to get away from the due process requirements without addressing issues within the context of the decriminalization. For example, Corrigan was stopped for speeding – a civil infraction. He refused to sign the civil infraction and was then charged with a criminal misdemeanor. He also refused to sign the criminal misdemeanor and was promptly arrested. If Washington State truly decriminalized certain traffic laws, then there is no way that a person who refused to sign a civil infraction is faced with a criminal penalty. The penalty should be civil in nature – not criminal. Besides, the civil crime of speeding is (or should be) greater than refusing to sign the piece of paper "acknowledging receipt." Washington State is not serious about decriminalizing certain traffic infractions, but they are serious about denying a violator's due process.

Civil Process Not Separated Enough

Civil process is too intertwined with the criminal process. A violator of a civil infraction should not be subjected to criminal prosecution because they fail to sign the infraction. Also, a violator should not be subject to two different hearings (one criminal and one civil) when the same people and actions are involved. Further, the state can prosecute for speeding (civil infraction) and then prosecute for reckless driving (criminal infraction) which would include the act of speeding. The violator would have to defend himself in both a civil and criminal proceeding – like Corrigan did.

State Constitution Provides Greater Protection To Privacy

The state constitution (article I, section 7) provides greater protection to privacy than the Fourth Amendment. *See State v. Mendez, 137 Wn.2d 208, 217, 970 P.2d 722.* Yet, the state has not revised their prosecution methods (all case law relating to speed measuring devices (SMD) is based on criminal speeding infractions). If the state truly approaches the decriminalization of certain traffic infractions with integrity, then the state must recognize that the means to effect the civil infraction must be less intrusive. In other words, if the state significantly reduces the due process needed to charge a civil infraction, it must also recognize significant changes (like revised SMD procedures or elimination of SMDs altogether) available to prosecute it.

> Accepting the presumption that more serious crimes pose a greater risk of harm to society, we place an inversely proportional burden in relation to the level of the violation. Thus, society will tolerate a higher level of intrusion for a greater

> risk and higher crime than it would for a lesser crime.

State v. Duncan, 146 Wn.2d 166. But here, even though the violation has been decriminalized, the state still intrudes as if it was a criminal crime – there have been no significant changes.

> As the Court reaffirms today, the fact that a State attaches a "civil" label to a proceeding is not dispositive. Such a label cannot change the character of a criminal proceeding. Moreover, the words "criminal case" in the Fifth Amendment have been consistently construed to encompass certain proceedings that have both civil and criminal characteristics. And, of course, a State's duty to respect the commands in the Fifth Amendment cannot be avoided by the names it applies to its procedures or to the persons whom it accuses of wrongful conduct. It is the substance of the Illinois procedure, rather than its title, that is relevant to our inquiry. [Citations omitted]

Allen v Illinois, 106 S Ct 2988 (1986) – Justice Stevens in his dissent with Brennan, Marshall, and Blackmun, JJ.

ARGUMENT CONCLUSION

The state has decriminalized certain traffic infractions – but only as a sham to deny the process that is due under a criminal proceeding. If the state was truly serious, it would approach the decriminalization like Oregon State did. As it stands now, the "civil" infraction is just a sham to avoid criminal due process – and Corrigan was denied that due process in both his civil infraction (speeding) and his criminal infraction (failing to sign civil infraction).

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

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JULY 2004

SUPERIOR COURT OF WASHINGTON FOR ADAMS COUNTY

STATE OF WASHINGTON,
Plaintiff,

vs.

JOHN L. CORRIGAN,
Defendant.

NO. 03 2 00149 3

MEMORANDUM DECISION

THIS MATTER CAME before the Court upon the timely appeal of the appellant, John L. Corrigan, from a finding of committed in the Ritzville District Court to the charge of speeding. John L. Corrigan appeared pro se. The State of Washington was represented by Barrett Scudder, Deputy Prosecuting Attorney for Adams County. The Court heard oral argument on November 3, 2003. Judge Adalia Hille, the Ritzville District Court Judge, is an attorney duly admitted to practice in the State of Washington, therefore THE RULES FOR APPEAL OF DECISIONS OF COURTS OF LIMITED JURISDICTION (RALJ) apply. The appeal is on the record RALJ 1.1(a).

STANDARD OF REVIEW

This Court's function, as a reviewing court, is set forth in RALJ 9.1. First, the decision of the lower court must be reviewed to determine whether that court has committed any errors of law. In doing so, this Court must accept those factual determinations supported by substantial evidence in the record which were either expressly made by the tower court or which may be reasonably inferred from a judgment of a lower court. After making a review as outlined above, this court may reverse, affirm or modify the decision of the lower court or remand the case back to the lower court for further proceedings. RALJ 9.1(e). This court cannot substitute its judgment for that of the trial judge or weigh

evidence or assess credibility of witnesses. *Davis v. Department of Labor and Industries,* 94 Wn. 2d 119, 124 (1980); *Walk v. Department of Licensing,* 95 Wn. App. 653, 656 (1999).

FACTS[1]

On February 6, 2003, Trooper Burt was operating a laser speed measuring device (SMD) at mile post 231 on 1-90 at 0850 hours. The trooper observed the defendant's vehicle west bound at a speed which appeared to be in excess of the posted speed limit, 70 miles per hour. The defendant's speed was visually estimated at 80 miles per hour. Defendant's vehicle was approaching. The laser SMD showed a visual display of 77 miles per hour at a distance of 0748 feet. Trooper Burt alerted Trooper Dale to the speeding vehicle whereupon Trooper Dale stopped the vehicle and contacted the driver. The driver stated he was a little above 70 miles per hour. The officer observed two radar detectors in the vehicle. H e was issued a traffic infraction notice for Speed, 77 miles per hour in a posted 70 zone.

The SMD was checked at the beginning and end of the trooper's shift and found to be in proper working order. Three operational checks of the laser SMD's accuracy were performed, namely internal cell diagnostic; scope alignment

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[1] Appellant Corrigan failed to provide a transcript of the electronic record of proceedings pursuant to RALJ 6.3.1(a). There was no agreed record filed pursuant to RALJ 6.1(b). The Court, after telephonic hearing, entered an Order compelling appellant to transcribe the electronic recording of proceedings. RALJ 6.3.l(e). That Order was filed on October 2,2003. Appellant filed his objection to the Order to Transcribe on October 27, 2003, but did not note the same for argument. At the time of this oral argument, no transcript of electronic record nor agreed record had been filed. Corrigan, having failed to supply a transcript of the record before the District Court, and having violated the court's Order to do so, the facts established by the lower court are deemed verities on appeal. The Court has relied on the Record of Proceedings certified by the court below to determine the facts.

and fixed distance zero velocity test at 175 feet. The trooper had been trained in the use and operation of the SMD and had a valid permit card.

Gerald Hanna, a technician for the Washington State Patrol, certified that the SMD in question had been calibrated in accordance with established State Patrol and factory procedures. His written certification was dated 5-9-01 and had been filed with the Ritzville District Court.

Mr. Corrigan submitted his request for a contested hearing to the Ritzville District Court. A hearing was scheduled for 3-25-03. It was continued at the defendant's request. A hearing was re-scheduled and subsequently conducted on April 29, 2003, before The Honorable Adalia Hille. Defendant requested subpoenas for Trooper Dale, Trooper Burt and Trooper Hanna, the radar expert. On April 7, 2003, the defendant rescinded by written document his request for Trooper Hanna to be subpoenaed. A contested hearing was conducted on April 29th. The Court has assumed, due to the failure of the appellant to provide a transcript of electronic record, that both subpoenaed troopers testified at the contested hearing. The District Court judge found that the State had proven its case by a preponderance of the evidence and therefore determined that Mr. Corrigan had committed the traffic infraction of Speed, 77 in a 70 zone. He was assessed a penalty of $76.00. From the determination by the District Court, Mr. Corrigan has appealed to this Court.

IV

ASSIGNED ERRORS[2]

1. The Judge was biased.
2. Discovery was not provided.
3. The proceedings were not civil.
4. The radar expert failed to appear at trial.
5. The Court failed to allow consolidation of defendant's speeding charge with a criminal jury trial wherein the defendant was charged with failure to sign a Notice of Infraction.
6. Radar is an unconstitutional invasion of the defendant's privacy.

DISCUSSION

1. THE JUDGE WAS BIASED. This portion of defendant's brief appears to apply only to the criminal charge of Failure to Sign a Traffic Infraction. Any misconduct of the trial judge which might support an allegation of bias would be found in the transcription of the electronic recording of proceedings at the speeding contested hearing. Failure by the defendant to provide the same has left the Court with nothing to review with reference to the alleged bias. No bias has been shown.

2. DISCOVERY WAS NOT PROVIDED. It appears from the record that Mr. Corrigan was provided with copies of the Washington State Patrol Laser SMD Affidavit, Affidavit Re Laser Speed Measuring Device and the Speed Measuring Device

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[2] Appellant's brief does not set out his assigned errors in the same order as in his Certification of Filing Status filed with Ritzvil]e District Court on May *30,* 2003. The Court has, for convenience, listed and subsequently discussed the claimed errors in the same order as they are presented in Corrigan's brief.

Certification. IRLJ 3. 1(b) governs the discovery for a contested hearing. Specifically, IRLJ 3.1(b) provides:

> Upon written demand of the defendant at least 14 days before a contested hearing, the plaintiffs lawyer shall at least 7 days before the hearing provide the defendant or defendant's lawyer with a list of the witnesses the plaintiff intends to call at the hearing and a copy of the citing officer's sworn statement if it will be offered into evidence at the hearing.. .No other discovery shall be required...

The record does not reflect that the defendant made a written demand for discovery although it appears that he received the required information. The rule provides that which is discoverable. It appears the defendant received the same despite absence of a written demand. There is no violation of the rules of discovery.

3. THE PROCEEDINGS WERE NOT CIVIL. IRLJ 1.2(a) provides:

> 'Infraction case' means a civil proceeding initiated in a court of limited jurisdiction pursuant to a statute that authorizes offenses to be punished as infractions.

Corrigan was charged with the traffic infraction of speeding. Traffic infractions are civil and not criminal proceedings. *State v. Keitner,* 102 Wn. App. 396, 399 (2000). The record does not reflect any showing of a denial of due process; failure to receive a fair trial or self incrimination. The hearing on the infraction was conducted pursuant to IRLJ. The procedure encompassed by those rules has been previously approved by the Supreme Court. *State v. Ivloreno,* 147 Wn. 2d 500, 506-508 (2002).

4. THE RADAR EXPERT FAILED TO APPEAR AT TRIAL. Apparently, Trooper Hanna did not appear at the trial. Mr. Corrigan, on April 7, 2003, rescinded his request for a subpoena for Trooper Hanna. The court rules provide for a Certificate in lieu of live testimony. IRLJ 6.6(b) There is no error.

5. THE COURT FAILED TO ALLOW A CONSOLIDATION OF DEFENDANT'S SPEEDING CHARGE WITH A CRIMINAL JURY TRIAL WHEREIN THE DEFENDANT WAS CHARGED WITH FAILURE TO SIGN A NOTICE OF INFRACTION. IRLJ 2.6(a)(3) allows consolidation of unrelated contested infractions. CrRLJ 4.3(a) allows joinder of criminal offenses which are based on the same conduct or acts. The speeding charge is a traffic infraction. Failure to Sign an Infraction is a criminal offense. Neither CrRLJ 4.3(a) nor [RU 2.6(a)(3) allow filing of a civil traffic infraction with a criminal traffic offense. The mandatory joinder rules do not apply to this situation. *State v. Keitner,* supra., pg. 399. The Court did not commit error when it refused to consolidate the traffic infraction and the criminal traffic offense.

6. RADAR IS UNCONSTITUTIONAL. Corrigan asserts, without citation to any authority, that use of radar, SMD, is unconstitutional in that it invades his right to privacy. Our appellate courts have long upheld proof of speeding offenses by the use of police traffic radar, more commonly called Speed Measuring Devices. SMD. *City of Bellevue v. Lightfoot,* 75 Wn. App. 214 (1994), *City of Seattle v. Peterson,* 39 Wn. App. 524 (1985). IRLJ approves use of a written report under oath in lieu of an officer's testimony unless the defendant has served the officer with a subpoena. IRLJ 3.3(c). A certificate in lieu of expert

testimony pertaining to the SMD is also permissible. TRLJ 6.6(b). Therefore, admission of the results of the Speed Measuring Device and the ultimate determination by the trial court that the evidence supported a finding of committed was not error.

CONCLUSION

Based upon the foregoing, the determination of the trial court that the defendant committed the crime of Speeding as charged is affirmed.

DATED: 7 Nov. 2003

/s/ Richard W. Miller
RICHARD W. MILLER
Superior Court Judge

THE SUPREME COURT OF WASHINGTON

STATE OF WASHINGTON, Respondent,	)	
v.	)	NO.74900-1
	)	Ruling Denying Review
JOHN L. CORRIGAN, Petitioner.	)	

John L. Corrigan was found by the Ritzville District Court to have committed the infraction of speeding, for which he was fined $76. Mr. Corrigan appealed to the Adams County Superior Court, but that court affirmed. Aware from prior experience that the Court of Appeals has no jurisdiction over reviews where the matter in controversy does not exceed $200, Mr. Corrigan filed a notice and motion for discretionary review by this court.[3]

But even though this court may have jurisdiction even if the amount in controversy is less than $200, jurisdiction is not automatic. *See City of Bremerton v. Spears,* 134 Wn.2d 141, 949 P.2d 347 (1998). The action must still also present some legal issue concerning the legality of a fine or the validity of a statute. *State v. Moreno,* 147 Wn.2d 500, 504-05, 58 P.3d 265 (2002). And a party seeking review beyond the superior court also must show that review is called for under one of the considerations of RAP 2.3(d). Mr. Corrigan's case crosses none of these thresholds.

Mr. Corrigan first seems to complain that he was both cited for the civil infraction of speeding and also prosecuted in a separate criminal case for refusing to sign the citation. The two cases were not formally consolidated, although apparently they were presented together. But it is unclear

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[3] Mr. Corrigan seems to drive regularly with a heavy foot, in diverse places around the state. *See* the attached copies of my April 11, 2003, ruling in cause No.73588-3 and of Court of Appeals Commissioner Craighead's notation ruling in cause No. 52197- 7-I.

why Mr. Corrigan thinks this presents some issue warranting review, or what that issue may be. In any event, the superior court decision before me in this case involves only the infraction.

Mr. Corrigan also seems to complain about infraction trial procedures. But as I noted in my ruling the last time Mr. Corrigan appeared before me,[4] this court has recently approved those procedures. *State v. Moreno, supra; City of Bellevue v. Hellenthal,* 144 Wn.2d 425,28 P.3d 744 (2001).

The motion for discretionary review is denied.

February 26, 2004

/s/ COMMISSIONER (Geoffrey Crooks)

[4] *See* footnote 3.

X

(First Attachment to # 74900-1)

THE SUPREME COURT OF WASHINGTON

SPOKANE MUNICIPAL COURT, Respondent, v. JOHN L. CORRIGAN, Petitioner.	)	NO. 73588-3 Ruling Denying Review

John L. Corrigan was cited for speeding (41 mph in a 30-mph zone). The Spokane Municipal Court found he had committed the infraction, and apparently imposed a fine of $86. Mr. Corrigan appealed to the Spokane County Superior Court, which reviewed the documentary record and affirmed. Mr. Corrigan now moves for direct discretionary review. RAP 4.2; 2.3.

I initially note that I share the City's concern that this court may not have jurisdiction, because the amount in controversy does not exceed $200. CONST. art. IV, § 4; RCW 2.04.010; *City of Bremerton v. Spears,* 134 Wn.2d 141, 949 P.2d 347 (1998). This court may have jurisdiction, however, if the action is considered as concerning the legality of a fine. *State v. Moreno,* 147 Wn.2d 500,504-05, 58 P.3d 265 (2002). But even if jurisdiction is assumed, Mr. Corrigan does not demonstrate a basis for review under RAP 2.3(d). Nothing in the documents or pleadings before me suggests that the procedure followed in this case deviated from that prescribed by the applicable court rules. And this court has recently approved the constitutionality of that procedure. *Spate* v. *Moreno, supra; see also City of Bellevue* v. *Hellenthal,* 144 Wn.2d 425, 28 P.3d 744 (2001).

The motion for discretionary review is denied.

/s/ COMMISSIONER (Geoffrey Crooks)

April 11, 2003

XI

(Second Attachment to # 74900-1)

The Court of Appeals for the
State of Washington, Seattle 98101-4170

June 3, 2003

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CASE #: 52197-7-I
John L. Corrigan, Appellant v. State of Washington, Resp.
Counsel:

The following notation ruling by Commissioner Susan Craighead of the Court was entered on June 3, 2003, regarding petitioner's motion for discretionary review:

"Petitioner John L Corrigan moves for discretionary review of a decision on RALJ appeal affirming a finding that he had committed a traffic infraction. Corrigan was cited for speeding and issued a $105 ticket. This court lacks jurisdiction to consider this case because it is a civil matter where the amount- in controversy is less than $200. RCW 2.06.030; Ctty of Bremerton v. Spears, 134 Wn. 2d 141, 949 P.2d 347 (1998). If there is jurisdiction to further review this case, it lies with the Supreme Court. Wash. Const. art. IV, sec. 4; City of Bremerton, 134 Wn. 2d at 153-54.

Now, therefore, it is hereby ORDERED that the motion for discretionary review is dismissed without prejudice to renew in the Supreme Court."

Sincerely,
/s/
Richard D. Johnson
Court Administrator/Clerk

ssd

XII

THE SUPREME COURT OF WASHINGTON

STATE OF WASHINGTON,

Respondent,

v.

JOHN L. CORRIGAN

Petitioner.

CERTIFICATE OF FINALITY

NO. 74900-1

Adams County
No. 03-2-00149-3

This is to certify that Supreme Court Commissioner's Ruling Denying Review, filed on February 29, 2004, is final.

Dated 04/15/04.

/s/ C. J. Merritt
C. J. Merritt
Clerk of the Supreme Court
State of Washington